

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROLAND ALFRED BERRY,
Petitioner,

v.

BRYAN D. PHILLIPS,
Respondent.

No. 2:23-cv-00442-DJC-JDP (HC)

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 10, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 10, 2023, are adopted in full;
2. The amended petition, ECF No. 5, is dismissed without leave to amend for failure to state a cognizable federal habeas claim;
3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a constitutional right, see 28 U.S.C. § 2253(c)(2); and
4. The Clerk of Court is directed to close this case and to enter judgment accordingly.

IT IS SO ORDERED.

Dated: September 2, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE